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FILED
San Francisco County Superior Court

SEP 17 2020

CLERK OF THE COURT
BY: *Shelene Volmis*
Deputy Clerk

SUPERIOR COURT - STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO - UNLIMITED CIVIL JURISDICTION

CPF-20-517222

PEOPLE OF THE STATE OF CALIFORNIA,

Petitioner,

vs.

PROPERTY SUBJECT TO DISPOSITION:
\$488.00 U.S. CURRENCY; \$24,042.00 U.S.
CURRENCY; \$23,112.00 U.S. CURRENCY,
AND DOES 1 THROUGH 100, INCLUSIVE,

Respondent.

COURT NO.:

SFPD NO.: 200-440-860

CONTROL NO.: 20-044

PETITION FOR FORFEITURE IN REM
(Health & Safety § 11469 et seq.)

Petitioner, PEOPLE OF THE STATE OF CALIFORNIA, alleges:

INTRODUCTION

1. In June 2020, officers of the San Francisco Police Department (hereinafter, "SFPD") began investigating Maximo Bravo and Roberto Martinez for trafficking cocaine in San Francisco. The investigation was based on detailed information from a confidential, reliable informant (hereinafter, "CRI") that Maximo Bravo was trafficking cocaine in San Francisco out of his silver Toyota SUV, and that Roberto Martinez was working with Bravo in this trafficking of cocaine in San Francisco, with Martinez also operating (storage, delivery, etc.) out of a vehicle, a grey Hyundai hatchback.

1 2. Officers conducted records checks and surveillance on Maximo Bravo and Robert
2 Martinez, identifying their residences, related vehicles, a storage unit and a third associate, Alexei
3 Perez.

4 3. During surveillance of Maximo Bravo on July 2, 2020, officers observed Bravo
5 conduct what they believed to be a sale of narcotics out of his silver Toyota SUV bearing license
6 plate 8FZA492 parked at 365 Mason Street in San Francisco. Later that same day, officers
7 observed Bravo conduct what they believed to be another narcotics transaction out of the same
8 Toyota SUV this time parked on Mission Street at 6th Street in San Francisco.

9 4. During surveillance of Roberto Martinez on July 16, 2020, officers observed
10 Martinez working with Alexei Perez: Martinez in his grey Hyundai with license plate 8MRY905
11 picked Perez up from O'Farrell and Leavenworth streets in San Francisco; Martinez drove Perez
12 to the U-Haul storage facility on Alameda and Bryant Streets; Martinez waited outside that facility
13 looking up and down the road as Perez entered and later came out with a white container; and
14 Martinez transported Perez away from the U-Haul facility. Later that same day, officers again
15 observed Martinez with Perez on O'Farrell near Leavenworth in San Francisco. This time the two
16 were working out of Perez's vehicle, a silver BMW with license plate 7SDL653: both men
17 continuously entered and exited Perez's BMW, Perez conducted numerous suspected narcotics
18 transactions with passersby, and Martinez directed one passerby who interested with him to Perez.

19 5. As a result of this investigation, SFPD Officer Cunnie authored a search warrant,
20 and the Honorable Judge J. Ross of the San Francisco Superior Court signed the warrant. The
21 warrant authorized the search of Maximo Bravo, Roberto Martinez, and Alexei Perez, as well as
22 apartments A and D of the apartment complex located at 5245 San Pablo Dam Road in El
23 Sobrante, U-Haul Storage Unit #4899 located at 1525 Bryant Street in San Francisco, the silver
24 Toyota SUV with license plate 8FZA492, the grey Hyundai with license plate 8MRY905, and two
25 other vehicles associated with the targets of the investigation.

26 6. On July 23, 2020, SFPD officers began conducting surveillance of 5245 San Pablo
27 Dam Road in El Sobrante, the apartment building of Interested Parties Roberto Martinez, Maximo
28 Bravo, and Tsegmed Naran TUYA.

1 7. At 10:25 am on the 23rd of July, Officers watched Interested Party Maximo Bravo
2 enter the silver Toyota SUV listed on the search warrant. Bravo drove from the San Pablo Dam
3 Road apartment complex in El Sobrante to the Tenderloin District in San Francisco. Bravo parked
4 the Toyota at Mason and Post streets and remained inside the Toyota. Officers approached the
5 parked Toyota, detained Bravo, placed him in handcuffs, and conducted a search of the vehicle.

6 8. With the aid of a canine officer, officers seized from inside the Toyota a green
7 plastic bag containing a total of eight clear plastic bags. Each of the eight individual bags
8 contained cocaine base, and the eight bags together contained a total gross combined weight of
9 67.3 grams. Officers took the Toyota to the Auto Return by officers and transported Bravo to
10 Tenderloin Station.

11 9. Upon further surveillance of the apartment complex at 5245 San Pablo Dam Road,
12 officers observed Roberto Martinez leave the complex and enter a Hyundai Hatchback (License
13 Plate #8MRY905) - also listed in the search warrant - and drive to San Francisco.

14 10. On the south side of 16th Street, east of Folsom, at 2765 16th Street, officers
15 detained Interested Party Roberto Martinez and seized \$488.00 U.S. currency from his person.
16 Officers then conducted a search of the Hyundai with the help of canine officer, Cooper. Cooper
17 alerted to the center console of the vehicle and to the door handle on the driver's side of the
18 Hyundai. Inside the center console to which Cooper had alerted, officers found two bags of
19 cocaine base weighing 28.3 grams, and a plastic bag containing 18 capsules filled with an
20 unknown white, powdery substance. Officers did not find any paraphernalia used to ingest
21 cocaine inside the car and believed the cocaine was possessed by Martinez for the purpose of
22 sales. Officers transported Martinez to Tenderloin Station for booking.

23 11. Officers responded to Roberto Martinez's residence, located at 5245 San Pablo
24 Dam Road, Apartment A, in El Sobrante to continue the execution of the search warrant. No one
25 was inside the residence when officers announced their arrival to search Apartment A, entering
26 with the use of a key seized from Martinez. Officers seized a total of \$24,042.00 in cash from
27 underneath the sink in the apartment, and from a red purse and a tan purse both located in the
28 closet of the main bedroom of Apartment A.

1 EIGHTY EIGHT DOLLARS) U.S. CURRENCY; \$23,112.00 (TWENTY THREE THOUSAND
2 ONE HUNDRED TWELVE DOLLARS) U.S. CURRENCY, and Does 1 Through 100, Inclusive,
3 are property subject to forfeiture pursuant to Health and Safety Code section 11469, et seq.

4 18. All property whether individual, corporate, associate or otherwise, real and/or
5 personal, sued herein, and DOES 1 through 100, inclusive, and each of them, is property which
6 Petitioner is informed and believes, and on such information and belief alleges, is subject to
7 forfeiture pursuant to Health and Safety Code section 11470, subdivisions (b) through (g),
8 inclusive, due to the facts and events herein set forth. When ascertained, Petitioner will amend the
9 within Complaint to set forth the true name and description of each such DOES and the basis for
10 forfeiture thereof.

11 19. On or about JULY 23, 2020, in front of 2765 16th STREET, SAN FRANCISCO;
12 5245 SAN PABLO DAM ROAD, APT. A, EL SOBRANTE; 5245 SAN PABLO DAM ROAD,
13 APT. D, EL SOBRANTE, officers of the San Francisco Police Department seized Respondent
14 PROPERTY SUBJECT TO DISPOSITION: \$488.00 (FOUR HUNDRED EIGHTY EIGHT
15 DOLLARS) U.S. CURRENCY \$24,042.00 (TWENTY FOUR THOUSAND FORTY TWO
16 DOLLARS) U.S. CURRENCY;; \$23,112.00 (TWENTY THREE THOUSAND ONE HUNDRED
17 TWELVE DOLLARS) U.S. CURRENCY ; and DOES 1 through 100, inclusive, on the basis of
18 alleged violations of Health and Safety Code section 11351.5.

19 20. Respondent PROPERTY SUBJECT TO DISPOSITION: \$488.00 (FOUR
20 HUNDRED EIGHTY EIGHT DOLLARS) U.S. CURRENCY; \$24,042.00 (TWENTY FOUR
21 THOUSAND FORTY TWO DOLLARS) U.S. CURRENCY; \$23,112.00 (TWENTY THREE
22 THOUSAND ONE HUNDRED TWELVE DOLLARS) U.S. CURRENCY, and DOES 1 through
23 100, inclusive, is/are subject to forfeiture pursuant to the Health and Safety Code section 11469, et
24 seq.

25 21. This action for forfeiture is based on the theory that within five years from the
26 seizure, Respondent PROPERTY SUBJECT TO DISPOSITION and Does 1 through 100,
27 inclusive:
28

- 1 a) Was/were furnished or was/were intended to be furnished by a person in exchange for a
2 controlled substance;
3 b) Is/are proceeds traceable to an exchange by a person for a controlled substance; and/or
4 c) Was/were used or intended to be used to facilitate conduct in violation of Health and Safety
5 Code section 11351.5.

6 22. In compliance with Health and Safety Code section 11488.4, subdivision (a)(2),
7 Petitioner is hereby filing the within Petition of Forfeiture within one (1) year of the seizure in the
8 City and County of San Francisco, of Respondent PROPERTY SUBJECT TO DISPOSITION:
9 \$488.00 U.S. CURRENCY; \$24,042.00 U.S. CURRENCY; \$23,112.00 U.S. CURRENCY, and
10 Does 1 through 100, inclusive.

11 12 JURISDICTION

13 23. On July 27, 2020, the San Francisco District Attorney filed in the Superior Court of
14 San Francisco, under court number 20008238 and 20008239 charges against defendants Maximo
15 Bravo and Roberto Martinez respectively on the criminal offenses underlying this forfeiture.

16 22. This Court has jurisdiction over all causes of action asserted herein because San
17 Francisco is the county in which the underlying narcotics trafficking offenses have been charged.
18 (Health & Safe. Code 11488.4, subd. (a)(1).)

19 20 FACTUAL ALLEGATIONS

21 23. That on JULY 23, 2020, RESPONDENT PROPERTY SUBJECT TO
22 DISPOSITION: \$488.00 U.S. CURRENCY; \$24,042.00 U.S. CURRENCY; \$23,112.00 U.S.
23 CURRENCY was seized with ample probable cause by the San Francisco Police Department in
24 front of 2765 16th STREET, SAN FRANCISCO; from 5245 SAN PABLO DAM ROAD, APT. A,
25 EL SOBRANTE; and from 5245 SAN PABLO DAM ROAD, APT. D, EL SOBRANTE,
26 California.

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1 **FIRST CAUSE OF ACTION**

2 **(Respondent Property was furnished or intended to be furnished in exchange for a**
3 **controlled substance. Health & Safe. Code § 11470, subd. (f).)**

4 24. Petitioner hereby alleges and incorporates by this reference as though set forth in
5 full, the allegations in paragraphs 1 through 25, inclusive.

6 25. Petitioner is informed and believes, and thereupon alleges that, within five years
7 (between JULY 23, 2015 and JULY 23, 2025) from the seizure of Respondent PROPERTY
8 SUBJECT TO DISPOSITION and Does 1 through 100, inclusive, Maximo Bravo and Roberto
9 Martinez furnished or intended to furnish Respondent Property in exchange for a controlled
10 substance or substances.

11 26. At arrest, Maximo Bravo was in possession and/or control of eight separate
12 packages containing 67.3 grams of cocaine base, \$23,112.00 of cash, additional cocaine base,
13 pay/owe sheets, packaging materials, and three digital scales. Also, SFPD officers had recently
14 observed Bravo conducting what they believed to be narcotics transactions in the streets of San
15 Francisco. It is evident that Bravo was engaged in the trafficking of cocaine base, a controlled
16 substance. Bravo intended to use Respondent Property to purchase more controlled
17 substances/amounts thereof for sale in order to continue his trafficking business.

18 27. At Arrest, Roberto Martinez was in possession and/or control of two separate
19 packages containing 28.3 grams of cocaine base, 18 pills capsules, \$488.00 and \$24,042.00 of
20 cash. Further, SFPD officers had recently observed Martinez working with another suspected
21 trafficker conducting what the officers believed to be narcotics sales on the streets of San Francisco.
22 It is evident that Martinez was engaged in the trafficking of cocaine base, a controlled substance.
23 Martinez intended to use Respondent Property to purchase more controlled substances/amounts
24 thereof for sale in order to continue his trafficking business.

25 28. The within proceeding is a civil action for statutory forfeiture of property pursuant
26 to the provisions of California Health and Safety Code section 11469 et seq.

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1 **SECOND CAUSE OF ACTION**

2 **(Proceeds traceable to an exchange for a controlled substance.**

3 **Health & Safe. Code § 11470, subd. (f).)**

4 29. Petitioner hereby alleges and incorporates by this reference as though set forth in
5 full, the allegations in paragraphs 1 through 25, inclusive.

6 30. Petitioner is informed and believes, and thereupon alleges that Respondent
7 PROPERTY SUBJECT TO DISPOSITION and Does 1 through 100, inclusive, is proceeds
8 traceable to an exchange/exchanges for a controlled substance/controlled substances by interested
9 parties Maximo Bravo and/or Roberto Martinez within five years (between JULY 23, 2015 and
10 JULY 23, 2025) from the seizure on JULY 23, 2020.

11 31. At arrest, Maximo Bravo was in possession and/or control of \$23,112.00 of cash,
12 along with the eight separate packages together containing 67.3 grams of cocaine base in his car,
13 additional cocaine base, pay/owe sheets, packaging materials, and three digital scales, and had
14 recently been observed by SFPD officers conducting what they believed to be street-level
15 narcotics sales in San Francisco, all demonstrating that Bravo's enterprise of trafficking drugs for
16 money. The huge amount of cash in Bravo's possession was proceeds traceable to the exchange
17 of money for controlled substances.

18 32. At arrest, Roberto Martinez was in possession and/or control of \$488.00 and
19 \$24,042.00 in cash, along with 28.3 grams of cocaine base and numerous pill capsules, and had
20 recently been observed by SFPD officers working with another suspect who was conducting what
21 the officers believed to be street-level narcotics sales in San Francisco. These facts all
22 demonstrate Martinez enterprise of trafficking drugs for money. The huge amount of cash in
23 Martinez's possession was proceeds traceable to the exchange of money for controlled
24 substances.

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1 **THIRD CAUSE OF ACTION**

2 **(Respondent Property was used or intended to be used to facilitate conduct in**
3 **violation of Health and Safety Code section 11351.5.**

4 **Health & Safe. Code § 11470, subd. (f))**

5 33. Petitioner hereby alleges and incorporates by this reference as though set forth in
6 full, the allegations in paragraphs 1 through 25, inclusive.

7 34. Petitioner is informed and believes, and thereupon alleges that, within five years
8 (between JULY 23, 2015 and JULY 23, 2025) from the seizure of Respondent PROPERTY
9 SUBJECT TO DISPOSITION and Does 1 through 100, inclusive, Interested Parties Maximo
10 Bravo and Roberto Martinez used or intended to used Respondent Property to facilitate conduct in
11 violation of Health and Safety Code section 11351.5.

12 35. At arrest, Maximo Bravo was in possession and/or control of eight separate
13 packages containing 67.3 grams of cocaine base, \$23,112.00 of cash, additional cocaine base,
14 pay/owe sheets, packaging materials, and three digital scales. Also, SFPD officers had recently
15 observed Bravo conducting what they believed to be narcotics transactions in the streets of San
16 Francisco. It is evident that Bravo was engaged in the trafficking of cocaine base, a controlled
17 substance. Bravo intended to use Respondent Property to facilitate his ongoing business of
18 trafficking in controlled substances, in violation of Health and Safety Code section 11351.5.

19 36. At Arrest, Roberto Martinez was in possession and/or control of two separate
20 packages containing 28.3 grams of cocaine base, 18 pills capsules, \$488.00 and \$24,042.00 of
21 cash. Further, SFPD officers had recently observed Martinez working with another suspected
22 trafficker conducting what the officers believed to be narcotics sales on the streets of San Francisco.
23 It is evident that Martinez was engaged in the trafficking of cocaine base, a controlled substance.
24 Martinez intended to use Respondent Property to facilitate his ongoing business of trafficking in
25 controlled substances, in violation of Health and Safety Code section 11351.5.

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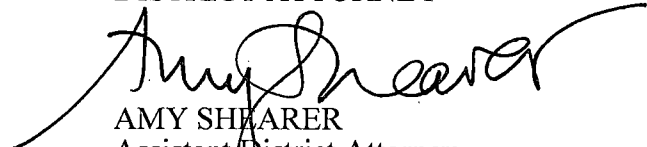
1 WHEREFORE, PETITIONER PRAYS AS FOLLOWS:

2 37. For Judgment declaring Respondent PROPERTY SUBJECT TO DISPOSITION
3 and DOES herein forfeit according to proof and for an Order of Distribution of all such forfeited
4 property pursuant to the provisions of Health and Safety Code Section 11489; and

5 38. For such other and further relief as may be proper.

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7 DATED: SEPTEMBER 16, 2020

8 Respectfully submitted,
9 CHESA BOUDIN
DISTRICT ATTORNEY

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11 AMY SHEARER
12 Assistant District Attorney
Attorney for Petitioner

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Chesa Boudin, SBN 284577/Amy Shearer, SBN 253735 Office of the District Attorney 350 Rhode Island Street, North Building, Suite 400N San Francisco, CA 94103 TELEPHONE NO.: (628) 652-4154 FAX NO.: (628) 652-4003 ATTORNEY FOR (Name): People of the State of California		FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">FILED</div> San Francisco County Superior Court SEP 17 2020 CLERK OF THE COURT CASE NUMBER: BY: <i>Kalene Hobino</i> Deputy Clerk JUDGE: CPF-20-517222 DEPT:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: 400 McAllister Street CITY AND ZIP CODE: San Francisco, CA 94103 BRANCH NAME: San Francisco Superior Court - Civil Division			
CASE NAME: People vs. Property Subject to Disposition: \$24,042.00, et al			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input checked="" type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses
e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
|--|--|

3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify):

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: September 16, 2020
 Amy Shearer

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2